

# House File 2527 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 762)  
(SUCCESSOR TO HF 694)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to criminal offenses against minors including  
2 sexual abuse and indecent exposure by electronic transmission  
3 of an image, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6573HZ 82  
6 jm/nh/8

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1 1 Section 1. Section 229A.2, subsection 10, paragraph a,  
1 2 Code Supplement 2007, is amended to read as follows:  
1 3 a. A violation of any provision of chapter 709, except  
1 4 ~~section 709.9A or~~ section 709.18, subsection 2 or 3.  
1 5 Sec. 2. Section 692A.1, subsection 5, Code 2007, is  
1 6 amended by adding the following new paragraph:  
1 7 NEW PARAGRAPH. o. Indecent exposure by electronic  
1 8 transmission of an image in violation of section 709.9A.  
1 9 Sec. 3. Section 692A.1, subsection 5, paragraph o, Code  
1 10 2007, is amended to read as follows:  
1 11 ~~o. p.~~ An indictable offense committed in another  
1 12 jurisdiction which would constitute an indictable offense  
1 13 under paragraphs "a" through "~~n~~" "o".  
1 14 Sec. 4. Section 709.3, subsection 2, Code 2007, is amended  
1 15 to read as follows:  
1 16 2. The other person is under the age of ~~twelve~~ thirteen.  
1 17 Sec. 5. Section 709.4, subsection 2, paragraph b, Code  
1 18 2007, is amended to read as follows:  
1 19 b. The other person is ~~twelve or~~ thirteen years of age.  
1 20 Sec. 6. NEW SECTION. 709.9A INDECENT EXPOSURE BY  
1 21 ELECTRONIC TRANSMISSION OF AN IMAGE.  
1 22 1. A person who electronically transmits an image of the  
1 23 person's exposed genitals or pubes, or electronically  
1 24 transmits an image of the person committing a sex act, commits  
1 25 an aggravated misdemeanor if all of the following apply:  
1 26 a. The image is intended to be viewed by a child or a  
1 27 person believed to be a child.  
1 28 b. The person intends to arouse or satisfy the sexual  
1 29 desires of either party.  
1 30 2. A person who electronically transmits an image of the  
1 31 person's exposed genitals or pubes, or electronically  
1 32 transmits an image of the person committing a sex act, commits  
1 33 a serious misdemeanor if all of the following apply:  
1 34 a. The image is intended to be viewed by another person.  
1 35 b. The person intends to arouse or satisfy the sexual  
2 1 desires of either party.  
2 2 c. The person knows or reasonably should know that the  
2 3 image is offensive to the viewer.  
2 4 Sec. 7. Section 907.3, subsection 1, Code 2007, is amended  
2 5 by adding the following new paragraph:  
2 6 NEW PARAGRAPH. m. The offense is a violation of section  
2 7 709.9A, subsection 1.  
2 8 Sec. 8. Section 907.3, subsection 2, Code 2007, is amended  
2 9 by adding the following new paragraph:  
2 10 NEW PARAGRAPH. g. The offense is a violation of section  
2 11 709.9A, subsection 1.  
2 12 EXPLANATION  
2 13 This bill relates to criminal offenses against minors  
2 14 including sexual abuse and indecent exposure by electronic  
2 15 transmission of an image.

2 16 Under the bill, a person who commits a sex act with a  
2 17 person under 13 years of age commits sexual abuse in the  
2 18 second degree. Current law provides that a person who commits  
2 19 a sex act with a person under 12 years of age commits sexual  
2 20 abuse in the second degree. A person who commits sexual abuse  
2 21 in the second degree commits a class "B" felony.

2 22 Under the bill, a person who commits a consensual sex act  
2 23 with a person 13 years of age commits sexual abuse in the  
2 24 third degree. Current law provides that a person who commits  
2 25 a sex act with a person 12 or 13 years of age commits sexual  
2 26 abuse in the third degree.

2 27 Under the bill and in current law, a person who commits a  
2 28 sex act with a person 14 or 15 years of age commits sexual  
2 29 abuse in the third degree if any of the following apply: the  
2 30 person is a member of the same household as the other person;  
2 31 the person is related to the other person by blood or affinity  
2 32 to the fourth degree; the person is in a position of authority  
2 33 over the other person and uses that authority to coerce the  
2 34 other person to submit; or the person is four or more years  
2 35 older than the other person. A person who commits sexual  
3 1 abuse in the third degree commits a class "C" felony.

3 2 Under the bill and in current law a consensual sex act with  
3 3 a person 16 years of age or older is not punishable as a  
3 4 criminal act.

3 5 The bill creates a criminal offense of indecent exposure by  
3 6 electronic transmission of an image in Code chapter 709.

3 7 Under the bill, a person commits indecent exposure by  
3 8 electronic transmission of an image punishable as an  
3 9 aggravated misdemeanor if the person electronically transmits  
3 10 an image of the person committing a sex act, and if the image  
3 11 is intended to be viewed by a child or a person believed to be  
3 12 a child and the person intends to arouse the sexual desires of  
3 13 either party.

3 14 Under the bill, a person commits indecent exposure by  
3 15 electronic transmission of an image punishable as a serious  
3 16 misdemeanor if the person electronically transmits an image of  
3 17 the person committing a sex act, and if all of the following  
3 18 apply: the image is intended to be viewed by another person,  
3 19 the person intends to arouse the sexual desires of either  
3 20 party, and the person knows or reasonably knows that the image  
3 21 is offensive to the viewer.

3 22 A criminal offense in Code chapter 709 classified as an  
3 23 aggravated misdemeanor or serious misdemeanor is subject to  
3 24 the special sentence provisions of Code section 903B.2. The  
3 25 special sentence of a person convicted of indecent exposure by  
3 26 electronic transmission of an image under the bill commences  
3 27 upon completion of the sentence for the underlying criminal  
3 28 offense of indecent exposure by electronic transmission of an  
3 29 image. The special sentence, under the bill, places the  
3 30 person on parole status for a period of 10 years.

3 31 In addition, an offense in Code chapter 709 may also be  
3 32 used as evidence in prosecutions for similar offenses pursuant  
3 33 to Code section 701.11(3), and is considered a "sexually  
3 34 predatory offense" for prosecutions under Code chapter 901A.  
3 35 Victims under 18 years of age of an offense under Code chapter  
4 1 709 are also eligible for victim services pursuant to Code  
4 2 sections 915.35 through 915.37, and may apply for compensation  
4 3 through the crime victim compensation program without filing a  
4 4 police report pursuant to Code section 915.84.

4 5 The bill prohibits a person from receiving a deferred  
4 6 judgment, or a suspended or deferred sentence, if the person  
4 7 is convicted of indecent exposure by electronic transmission  
4 8 of an image and the viewer is under 14 years of age.

4 9 A serious misdemeanor is punishable by confinement for no  
4 10 more than one year and a fine of at least \$315 but not more  
4 11 than \$1,875. An aggravated misdemeanor is punishable by  
4 12 confinement for no more than two years and a fine of at least  
4 13 \$625 but not more than \$6,250. A class "C" felony is  
4 14 punishable by confinement for no more than 10 years and a fine  
4 15 of at least \$1,000 but not more than \$10,000. A class "B"  
4 16 felony is punishable by confinement for no more than 25 years.

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